

UNITED STATES DISTRICT COURT

Southern District Of California
Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
Phone: (619) 557-5600
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
Clerk of Court

5-07-70683 - HRL

August 21, 2008

Clerk, U.S. District Court
Northern California - San Jose
280 South 1st Street
San Jose, CA 95113

Re: 08mj8716-PCL, USA v Acevedo-Velasquez

Dear Clerk of the Court:

Enclosed please find copies of the following documents in connection with removal proceedings conducted in this District regarding the above named defendant:

<u> x </u> Docket Sheet	<u> x </u> Warrant of Removal
<u> x </u> Complaint	<u> </u> Order of Removal
<u> </u> Minute Order Appointing Counsel	<u> </u> Detention Order
<u> </u> Corporate Surety Bond	<u> x </u> Waiver of Removal
<u> </u> Personal Surety Bond	
<u> </u> Other	

Please acknowledge receipt of the above documents on the enclosed copy of this letter.

Sincerely yours,

W. Samuel Hamrick, Jr.
Clerk of Court

By: s/J. Hinkle
Deputy Clerk

FILED
AUG 26 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Warrant of Removal (After Waiver of Hearing)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

Maximino ACEVEDO-Velasquez

Magistrate Case No. **08MJ8716**

WARRANT OF REMOVAL
(After Waiver of Hearing)

To: United States Marshal

A complaint having been filed in the Northern District of California, charging defendant Maximino ACEVEDO-Velasquez alleging violation of Title 8, United States Code, 1326, Deported Alien Found in the United States, and the above-named defendant having been arrested in this district and, after waiving hearing pursuant to Federal Rules of Criminal Procedure 5(c) and 5.1(a), having been committed by a United States Magistrate Judge to your custody pending his removal to that district,

You are hereby commanded to commit the above-named defendant forthwith to the Northern District of California and there deliver him to the United States Marshal for that district or to some other officer authorized to receive him.

PETER C. LEWIS

PETER C. LEWIS
United States Magistrate Judge

Dated at El Centro, California, this 20th day of August, 2008.

RETURN

Northern District of California (at San Jose, CA) ss

Received the within warrant of removal the _____ day of _____, 2008, and

executed same.

RECEIVED

2008 AUG 20 P 12:11

J.S. MARSHALS SERV.
EL CENTRO OFFICE

U. S. Marshal

By _____
Deputy Marshal

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

V.

Maximino Acevedo-Velasquez

Defendant

CASE NUMBER: 08 MJ 8716

CHARGING DISTRICTS

CASE NUMBER: 07-70683

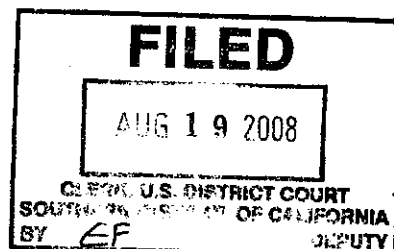
I understand that charges are pending in the Northern District of California
alleging violation of Title 8, USC, Sec - 1324 and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- () identity hearing
() preliminary hearing
(X) identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.


Defendant8/19/08
Date
Defense Counsel

CLOSED

**U.S. District Court
Southern District of California (El Centro)
CRIMINAL DOCKET FOR CASE #: 2:08-mj-08716-PCL-1
Internal Use Only**

Case title: USA v. Acevedo-Velasquez

Date Filed: 08/12/2008

Date Terminated: 08/20/2008

Assigned to: Magistrate Judge Peter C.
Lewis

Defendant (1)

Maximino Acevedo-Velasquez

TERMINATED: 08/20/2008

represented by **Federal Defenders**

Federal Defenders of San Diego

225 Broadway

Suite 900

San Diego, CA 92101-5008

(619)234-8467

Fax: (619)687-2666

Email: casd_ecf@fd.org

TERMINATED: 08/14/2008

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or
Community Defender Appointment*

I hereby attest and certify on 8/21/2008
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

By  Deputy

Diane Marie Regan

Federal Defenders of San Diego

225 Broadway

Suite 900

San Diego, CA 92101-5008

(619)234-8501

Fax: (619)687-2666

Email: Diane_Regan@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

8:1326 - Deported Alien Found in The
United States (Felony)




Disposition





Plaintiff

USA

represented by **U S Attorney CR**

U S Attorneys Office Southern District
of California
880 Front Street
Room 6293
San Diego, CA 92101
(619)557-5610
Fax: (619)557-5917
Email: Efile.dkt.gc2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Assistant United States
Attorney*

Date Filed	#	Docket Text
08/11/2008		Arrest of Maximino Acevedo-Velasquez 08/11/08 (tar) (Entered: 08/12/2008)
08/12/2008	 1	OUT OF DISTRICT COMPLAINT as to Maximino Acevedo-Velasquez. (tar) (Entered: 08/12/2008)
08/12/2008	 2	Minute Entry for proceedings held before Magistrate Judge Peter C. Lewis:Initial Appearance as to Maximino Acevedo-Velasquez held on 8/12/2008, Appointed attorney Federal Defenders for Maximino Acevedo-Velasquez. No bail until identity is confirmed. (Status Conference set for 8/19/2008 01:30 PM in El Centro before Magistrate Judge Peter C. Lewis. Removal/ID Hearing set for 8/26/2008 01:30 PM in El Centro before Magistrate

		Judge Peter C. Lewis.) (Tape #PCL08-1:14:23-14:27).(Plaintiff Attorney Karla K. Davis, AUSA).(Defendant Attorney Diane Regan, FD). (tar) (Entered: 08/13/2008)
08/14/2008	 <u>3</u>	NOTICE OF ATTORNEY APPEARANCE: Diane Marie Regan appearing for Maximino Acevedo-Velasquez (Regan, Diane)(mam). (Entered: 08/14/2008)
08/19/2008	 <u>4</u>	Minute Entry for proceedings held before Magistrate Judge Peter C. Lewis:Removal/ID Hearing as to Maximino Acevedo-Velasquez held on 8/19/2008. Waiver of rule 5 and 5.1 filed. Defendant ordered removed forthwith. Government to prepare order. (Tape #14:42-14:45).(Plaintiff Attorney John Weis).(Defendant Attorney Diane M. Regan, FD). (erf) (Entered: 08/20/2008)
08/19/2008	 <u>5</u>	WAIVER of Rule 5 & 5.1 Hearings by Maximino Acevedo-Velasquez (1). (jjh) (Entered: 08/20/2008)
08/20/2008	 <u>6</u>	WARRANT of Removal to Northern District of California - San Jose issued as to Maximino Acevedo-Velasquez (1). (Attachments: # <u>1</u> Removal Letter)(Removal Letter and documents sent)(jjh) (Entered: 08/21/2008)

Arrest on Out-of-District Offense

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ARREST ON OUT-OF-DISTRICT OFFENSE

Magistrate Case Number: **'08 MJ 87 16**

The person charged as Maximino ACEVEDO-Velasquez now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Northern District of California with Deported Alien found in the United States in violation of Title 8, United States Code, Section 1326

The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 8/11/08



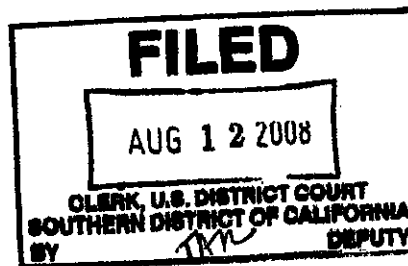
Christopher A. Salgado
(Name)

Deportation Officer

Reviewed and Approved:

Dated: 8-12-08


Assistant United States Attorney



E-FILING

United States District Court
Northern District of California

UNITED STATES OF AMERICA,

v.

WARRANT FOR ARREST

Maximino ACEVEDO-Velasquez

07-70683 HRL

CASE NUMBER:

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Maximino ACEVEDO-Velasquez and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint
☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with

unlawfully re-entering and being found in the United States after deportation, without the permission of the Attorney General,

in violation of Title 8 United States Code, Section(s) 1326.

Howard R. Lloyd
Name of Issuing Officer

[Signature]
Signature of Issuing Officer

U.S. Magistrate Judge
Title of Issuing Officer

November 14, 2007, San Jose, CA
Date and Location

Bail fixed at: no bail

by Howard R. Lloyd
Name of Judicial Officer

RETURN ORIGINAL WARRANT HELD BY		
This warrant was received and executed with the arrest of the above-named defendant by U.S. MARSHALS, SAN JOSE		
Date received	Name and Title of Arresting Officer	Signature of Arresting Officer
Date of Arrest <u>8/11/08</u>	<u>CHRIS SALGADO</u> <u>DEPORTATION OFFICER</u>	<u>[Signature]</u>

E-FILING**United States District Court****NORTHERN****DISTRICT OF****FILED**
CALIFORNIA

2007 NOV 14 A 11:05

UNITED STATES OF AMERICA**V.****CRIMINAL COMPLAINT****Maximino ACEVEDO-Velasquez**
(Name and Address of Defendant)**07-70683 HRL****CASE NUMBER:**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, October 18, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, ten (10) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

11/14/07
Date

at


Signature of Complainant

San Jose, California
City and State

Howard R. Lloyd
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

RE: ACEVEDO-Velasquez, Maximino A79 377 336

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. ACEVEDO-Velasquez is a 34-year-old male who has used eighteen (18) aliases and two (2) dates of birth in the past.
- (2) Mr. ACEVEDO-Velasquez has been assigned one (1) Alien Registration number of A79 377 336, FBI number of 715698XA0, California Criminal Information Index number of A22594176, and Monterey County booking number of 0707412.
- (3) Mr. ACEVEDO-Velasquez is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

DATE

January 29, 2003

March 14, 2005

PLACE OF DEPORTATION

Nogales, AZ

Paso Del Norte/ El Paso, TX

- (4) Mr. ACEVEDO-Velasquez last entered the United States at or near San Ysidro, CA on or after March 14, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. ACEVEDO-Velasquez on a date unknown, but no later than October 18, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On October 31, 2007, Mr. ACEVEDO-Velasquez was interviewed by Immigration Enforcement Agent (IEA) Joshua Arambulo at the Monterey County Jail, Salinas, CA, and during that interview, Mr. ACEVEDO-Velasquez was advised of his **Miranda** rights in Spanish. Mr. ACEVEDO-Velasquez waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.
- (6) Mr. ACEVEDO-Velasquez was, on September 10, 1997, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of **GIVE FALSE INFORMATION TO PEACE OFFICER**, a misdemeanor, in violation of Section 31 of the California Vehicle Code, and was sentenced to one hundred fifty (150) days in jail.

RE: ACEVEDO-Velasquez, Maximino A79 377 336

- (7) Mr. ACEVEDO-Velasquez was, on August 17, 2000, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of DUI ALCOHOL/DRUGS WITH PRIORS, a felony, in violation of Section 23152(a) of the California Vehicle Code, and was sentenced to one hundred eighty (180) days in jail.
- (8) Mr. ACEVEDO-Velasquez was, on September 26, 2001, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of DUI ALCOHOL/DRUGS WITH PRIORS, a felony, in violation of Section 23152(a) of the California Vehicle Code, and was sentenced to sixteen (16) months in prison.
- (9) Mr. ACEVEDO-Velasquez was, on September 9, 2002, convicted in the Superior Court of California, in and for the County of Santa Cruz, for the offense of DUI WITH PRIORS, a felony, in violation of Section 23152(B) of the California Vehicle Code, and was sentenced to two (2) years in prison.
- (10) Mr. ACEVEDO-Velasquez was, on February 27, 2004, convicted in the United States District Court, Southern District of California, for the offense of FRAUD AND MISUSE OF ENTRY DOCUMENTS, a felony, in violation of Title 18, United States Code, Section 1546, and was sentenced to eighteen (18) months in prison.
- (11) Mr. ACEVEDO-Velasquez was, on November 2, 2007, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of DUI ALCOHOL/DRUGS WITH PRIORS, a felony, in violation of Section 23152(a) of the California Vehicle Code, and was sentenced to two (2) years in prison.
- (12) On the basis of the above information, there is probable cause to believe that Mr. ACEVEDO-Velasquez illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.


Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 14 day of NOV, 2007


HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE